

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RECOR MEDICAL, INC.,

Plaintiff,

v.

MEDTRONIC IRELAND
MANUFACTURING UNLIMITED CO., et
al.,

Defendants.

Case No. 22-cv-03072-TLT (TSH)

DISCOVERY ORDER

Re: Dkt. No. 156

The parties have filed a joint discovery letter brief at ECF No. 156 in which Recor moves to strike facts and opinions in the expert report of Dr. DeForest McDuff that it says are untimely. The effect of this motion, if granted, would be to bar the admission of these opinions in connection with summary judgment briefing and at trial. Judge Thompson has referred discovery disputes to the undersigned magistrate judge, ECF No. 112, but this isn't a discovery dispute. Rather, "the dispute presented [is] more properly [the] subject of a motion *in limine* or in connection with a motion for summary judgment." *Finjan, Inc. v. Cisco Systems Inc.*, 2019 WL 6174936, *5 (N.D. Cal. Nov. 20, 2019). The Court therefore **DENIES** Recor's motion without prejudice to raising this dispute before Judge Thompson in a manner that is consistent with her case management and scheduling order.

IT IS SO ORDERED.

Dated: June 5, 2025


THOMAS S. HIXSON
United States Magistrate Judge